

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AQUALLIANCE; and CENTER FOR  
BIOLOGICAL DIVERSITY,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE, et al.,

Federal Defendants.

Case No. 2:21-cv-01527-TLN-DMC

**ORDER**

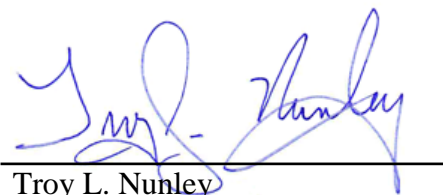
IT IS HEREBY ORDERED that this litigation is exempt from the initial disclosure requirements of Federal Rule of Civil Procedure 26(a)(1)(A), pursuant to Rule 26(a)(1)(B)(i), and that the Court adopts the following schedule and special procedures stipulated to by the Parties:

- Federal Defendants will lodge their administrative records by 2/11/22. The Service and the Corps will each produce an administrative record, which will be provided to the Court in electronic format on a flash drive in lieu of a paper courtesy copy, as requested by the Court. The administrative records will also be provided in electronic format on a flash drive(s) or via a mutually agreed upon file-sharing website to Plaintiffs and Defendant-Intervenors.
  - Plaintiffs and Defendant-Intervenors will notify Federal Defendants of any disputes regarding the administrative records by 3/15/22.
  - Federal Defendants will provide their response(s) to any disputes raised by Plaintiffs and/or Defendant-Intervenors by 3/29/22.
- Should the parties resolve any disputes regarding the administrative record without the Court's involvement, Federal Defendants will lodge any supplement to the administrative record by 4/8/22.
  - If the parties are unable to resolve any disputes regarding the administrative record, Plaintiffs and/or Defendant-Intervenors shall file their motion to complete or supplement the administrative record by 4/15/22. Federal Defendants' response(s) will be due by 5/6/22. Replies will be due by 5/20/22.
- Plaintiffs' motion for summary judgment will be due by 5/24/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, their motion for summary judgment will be due 30 days after a decision in Federal Defendants' favor on that motion, or 30 days after Federal Defendants comply with any Court order in favor of Plaintiffs or Defendant-Intervenors on that motion, whichever is later.

- Federal Defendants' Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment will be due by 7/8/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, 45 days after Plaintiffs file their Motion for Summary Judgment.
- Defendant-Intervenors' Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment will be due by 7/15/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, 7 days after Federal Defendants file their Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment.
- Plaintiffs' Reply and Opposition to the Cross-Motions for Summary Judgment will be due by 8/12/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, 30 days after Defendant-Intervenors file their opposition and cross-motion for summary judgment.
- Federal Defendants' Reply will be due 9/16/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, 30 days after Plaintiffs file their reply and opposition.
- Defendant-Intervenors' Reply will be due 9/23/22, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, 7 days after Federal Defendants file their reply.
- **Hearing: 11/3/22**, but if a motion to complete or supplement the administrative record is filed such that the alternative schedule outlined above is followed, within 30 days of Defendants-Intervenors' Reply.

**SO ORDERED.**

DATE: February 9, 2022



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Troy L. Nunley  
United States District Judge